

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:18-cv-474-MOC  
(3:17-cr-180-MOC-DSC-1)**

**ERNEST KEITH, JR.,**

**Petitioner,**

**vs.**

**UNITED STATES OF AMERICA,**

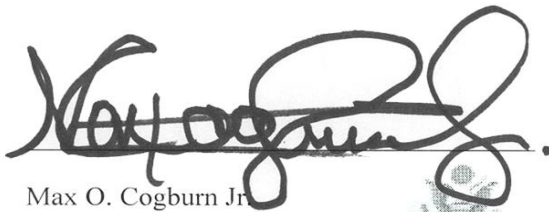
**Respondent.**

**ORDER**

**THIS MATTER** is before the Court on Petitioner's *pro se* Motion to Vacate, Set Aside or Correct Sentence under 28 U.S.C. § 2255, that was docketed on August 28, 2018, (Doc. No. 1). The Judgment in the underlying criminal case has not yet been entered. As such, the § 2255 Motion to Vacate is premature. The Court will, therefore, dismiss the Motion to Vacate without prejudice for Petitioner to refile it after the Judgment becomes final.

**IT IS, THEREFORE, ORDERED** that Petitioner's Motion to Vacate, Set Aside or Correct Sentence under 28 U.S.C. § 2255, (Doc. No. 1), is **DISMISSED** without prejudice as premature.

Signed: August 31, 2018

  
Max O. Cogburn Jr.  
United States District Judge